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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.25 OF 2017**

Smt. Meera Sanyal and Anr.	... Petitioners
Vs.	
Union of India and Ors.	... Respondents

WITH

CHAMBER SUMMONS (L) NO.52 OF 2016

Dock's Local Transport and Lorry Owner's Association and Anr.	... Applicant
In the matter between	
Smt. Meera Sanyal and Anr.	... Petitioners
Vs.	
Union of India and Ors.	... Respondents

None for the Petitioners.

Ms. Geeta Shastri, Additional Government Pleader for the Respondent No.2.

Ms. Sharmila U. Deshmukh for the Respondent No.3.

Mr. C.G. Gavanekar i/by Mr. G.S. Hiranandani for the Respondent No.5.

CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.

DATE : 18th JANUARY, 2018

PC.

1 Called out for final hearing. None appears for the petitioners. The learned counsel appearing for the third as well as fifth respondents are present. The first three prayers in this Petition in substance seek to challenge consent dated 1st August, 2015 granted by the third respondent Maharashtra Pollution Control Board for handling

of Coal at Haji Bunder, Mumbai. The said consent was operative only till 30th October, 2015. Under the said consent, it was provided that the activities of coal handling shall be carried out by the Mumbai Port Trust (third respondent) as the same are established before CRZ notification. With the efflux of time, the challenge to consent granted on 1st August, 2015 will not survive and hence, it is not necessary for us to consider prayers (a) and (c). Prayer (d) seeks to challenge the decision of Minutes of 8th Consent Appraisal Committee Meeting of the third respondent which recommended extension of consent upto 31st October, 2017. Only other substantive prayer is (e) which again does not survive with the passage of time. Even the minutes of 8th Consent Appraisal Committee recommended that the consent be extended upto 31st October, 2017. It is not known whether the third respondent has actually issued consent in terms of the said recommendation and in any event, even if the consent was issued, the same is now no longer operative.

2 At this stage, we may note here that in the order dated 11th December, 2015 statement made by the learned counsel appearing for the fourth respondent – Mumbai Port Trust was recorded that in fact the said respondent has not asked for the consent but was applied for by MAHAGENCO. Further order dated 14th January, 2016 is also relevant.

Clauses (1) and (2) of the said order read thus :-

- “1. Mr.Talsania, learned counsel appearing on behalf of the Respondent No.4 - Mumbai Port Trust (MbPT) reiterates the stand taken by the MbPT not to unload coal at the MbPT. It is submitted that in the affidavit in reply, MbPT has in no uncertain terms mentioned that they do not intend to unload the coal at the port. It is submitted that however the coal which is lying at the MbPT is being taken away by the respective owners and it may take some time for removing the said coal. We hope this process of removal is expedited and if the owners of the said coal do not respond to the notice which has been given by the MbPT on 9th December, 2015, then in that event the MbPT shall take appropriate steps in accordance with law to remove the said coal which is not claimed by the owners.
2. We had directed the petitioners to add Dharamtar Port as party respondent no.5. Accordingly, amendment has been carried out. Mr.Gavnekar, learned counsel appearing on behalf of the added respondent submits that infact MAHAGENCO Port has already started unloading the coal at the Dharamtar Port. The added respondent to file an affidavit in reply to that effect.”
- 3 Thus, the consistent stand of the fourth respondent is that there is no intention on the part of the said respondent to unload the coal at its port and that the coal which was lying at the port is being

taken away by the owners. As stated earlier, clause 2 of the order dated 14th January, 2016 records that MAHAGENCO has already started unloading of coal at Dharamtar Port.

4 Hence, with the passage of time, none of the prayers in this PIL can be granted. However, if the petitioners find that if the fourth respondent again commences activity of unloading coal at its port in Mumbai, the petitioners can always file a fresh PIL raising the said issue.

5 Subject to what is observed above, the Petition is disposed of. Rule is accordingly disposed of. Pending Chamber Summons does not survive and the same is disposed of.

(PN. DESHMUKH, J)

(A.S. OKA, J)